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DEPARTMENT OF  
WATER RESOURCES

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Attorneys for State Agency Ground Water Users  
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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF ) STATE AGENCY GROUND  
WATER TO WATER RIGHTS NOS. 36-02356A, ) WATER USERS' PETITION TO  
36-07210, AND 36-07427 ) INTERVENE  
\_\_\_\_\_ )

The State Agency Ground Water Users (the Idaho Department of Fish & Game, the Idaho Department of Health & Welfare, the Idaho Department of Juvenile Corrections, the Idaho Department of Lands, and the Idaho Transportation Department), by and through their counsel of record, Michael S. Gilmore, Deputy Attorney General, hereby petition to intervene in this proceeding. The State Agency Ground Water Users allege:

1. The State Agency Ground Water Users and their main addresses are:
  - (a) Idaho Department of Fish & Game (IDF&G), 600 South Walnut Street, Boise, Idaho 83712.
  - (b) Idaho Department of Health & Welfare (IDH&W), 450 West State Street, PO Box 83720, Boise, Idaho 83702-0036
  - (c) Idaho Department of Juvenile Corrections (IDJC), 400 North 10th Street, 2nd Floor, PO Box 83702, Boise, Idaho 83720-0285
  - (d) Idaho Department of Lands (Lands), 954 West Jefferson, PO Box 83720, Boise, Idaho 83720-0050.
  - (e) Idaho Transportation Department (ITD), 3311 West State Street, PO Box 7129, Boise, Idaho 83707-1129

In addition to these main addresses, the State Agency Ground Water Users have many other addresses throughout the State.

2. At least one of the State Agency Ground Water Users (ITD) received a letter from Water District No. 130 watermaster Cindy Yenter stating that ground Water Right Nos. 37-20852, 37-7372, 37-7457, and 37-8005D<sup>1</sup> will be subject to curtailment or required mitigation. However, two of the ground water rights listed in that notice sent to ITD (No. 37-7372 and No. 37-8005D) are shown by IDWR records to be held by Lands and others. See footnote 1.

3. The threat of curtailment or mitigation and the short procedural window that IDWR has given for responding to the watermaster's letter gives the State Agency Ground Water Users a direct and substantial interest in this proceeding that justifies granting their petition to intervene so that they may file their Petition for Reconsideration, Hearing and Stay.

4. The State Agency Ground Water Users petition IDWR to immediately grant their

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<sup>1</sup> IDWR records available on its website describe these ground water rights as follows:

**No. 37-7372** is a permitted right to use ground water for IRRIGATION and STOCKWATERING that is held by the Idaho Department of Lands, with lienholder Faulkner Land & Livestock Co., Inc., with a diversion rate of 6.4 cfs for irrigation from March 15 to November 15 and a diversion rate of 0.14 cfs for stockwatering from January 1 to December 31 with a priority date of 06/30/1999 for use in Blaine County on a total of 320 acres of Section 5, T 7S, R 15E, as follows:

for 10 acres in lot 2 of the SWNE $\frac{1}{4}\frac{1}{4}$ ,	for 40 acres in the NWSE $\frac{1}{4}\frac{1}{4}$ ,
for 30 acres in the NESW $\frac{1}{4}\frac{1}{4}$ ,	for 30 acres in the SWSW $\frac{1}{4}\frac{1}{4}$ ,
for 40 acres in the NESE $\frac{1}{4}\frac{1}{4}$ ,	for 40 acres in the SWSE $\frac{1}{4}\frac{1}{4}$ ,
for 10 acres in lot 1 of the SENE $\frac{1}{4}\frac{1}{4}$ ,	for 30 acres in the SESW $\frac{1}{4}\frac{1}{4}$ , and
for 40 acres in the NWSW $\frac{1}{4}\frac{1}{4}$ ,	for 40 acres in the SESE $\frac{1}{4}\frac{1}{4}$ .

**No. 37-7457** is a decreed right to use ground water for DOMESTIC USE at the Carey Maintenance Shed that is held by the Idaho Transportation Department, Division of Highways, with a diversion rate of 0.05 cfs from January 1 to December 31 and a volume of 8.6 AFA with a priority date of 10/01/1975 for use in Blaine County in the SWSE  $\frac{1}{4}\frac{1}{4}$  of Section 22, T 1S, R 21E.

**No. 37-8005D** is decreed right to use ground water for IRRIGATION that is held by the Idaho Department of Lands and Sawtooth Sheep Co., Inc., with a diversion rate of 0.41 cfs from April 1 to November 1 and a volume of 124 AFA with a priority date of 03/20/1982 for use in Gooding County on a total of 260 acres in Section 5, T 6S, R 15E, as follows:

for 31 acres in lot 4 of the SWNW $\frac{1}{4}\frac{1}{4}$ ,	for 40 acres in the NWSW $\frac{1}{4}\frac{1}{4}$ ,
for 30 acres of the NESW $\frac{1}{4}\frac{1}{4}$ ,	for 37 acres in the SWSW $\frac{1}{4}\frac{1}{4}$ , and
for 20 acres in lot 3 of the SENW $\frac{1}{4}\frac{1}{4}$ ,	for 19 acres in the SESW $\frac{1}{4}\frac{1}{4}$ ,

and in Section 6, T 6S, R 15E,


for 19 acres in lot 1 of the SENE $\frac{1}{4}\frac{1}{4}$ ,	for 24 acres in the SESE.
for 40 acres in the NESE $\frac{1}{4}\frac{1}{4}$ , and	

**No. 37-20852** is a decreed right to use ground water for IRRIGATION that is held by the Idaho Transportation Department with a diversion rate of 0.09 cfs from April 1 to November 1 and a volume of 18.8 AFA with a priority date of 9/20/1974 with no place of use listed for the right.

petition to intervene.

DATED this 2<sup>nd</sup> day of June, 2005.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
MICHAEL S. GILMORE  
Deputy Attorney General

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of June, 2005, I caused to be served a true and correct copy of the foregoing via U.S. Mail to:

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